

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL D. WASHBURN and CYNTHIA
L. YERKE,

Plaintiffs,

v.

WOODBURY MANAGEMENT, INC., *et al.*,

Defendants.

Case No. 06-11771

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiffs Michael D. Washburn and Cynthia L. Yerke filed a five-count complaint in this court April 13, 2006, alleging the following causes of action: Count I, Title VII sexual harassment; Count II, Title VII retaliatory harassment/hostile work environment; Count III, tortious interference with a business expectancy; Count IV, intentional infliction of emotional distress; and Count V, violation of Michigan's Bullar-Plawecki Right to Know Act.

While alleged violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1343, Counts III, IV, and V are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over these claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts III, IV, and V are **DISMISSED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: May 10, 2006